

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN E. ANDRUS MEMORIAL, INC. (d/b/a	:	filed electronically
ANDRUS ON HUDSON),	:	
	:	07-CV-3432 (CLB) (KNF)
Plaintiff	:	
-against-	:	
	:	<b>NOTICE OF MOTION</b>
	:	<b>FOR SUMMARY JUDGMENT</b>
RICHARD F. DAINES, as Commissioner of the	:	
New York State Department of Health,	:	
	:	
Defendant.	:	
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**PLEASE TAKE NOTICE** that, upon the complaint, dated April 30, 2007, the Affidavit of Neil Benjamin dated July 11, 2007, the Affidavit of David R. Sandman, PhD dated July 10, 2007, the Affidavit of John P. Gasior dated July 13, 2007, the accompanying Memorandum of Law, and all other pleadings and proceedings herein, defendant shall move this Court before the Honorable Charles L. Brieant, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on a date to be determined by the Court, for an order and judgment dismissing this action pursuant to Federal Rule of Civil Procedure Rule 56 (b), and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's May 25, 2007 Order, any opposing affidavits and memoranda shall be served by August 3, 2007 and reply affidavits and memoranda shall be served by August 10, 2007.

Dated: New York, New York  
July 13, 2007

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
Attorney for Defendant



By: \_\_\_\_\_  
John P. Gasior  
Assistant Attorney General  
120 Broadway, 24th Floor  
New York, New York 10271  
212-416-8570

TO: Peter G. Bergmann, Esq.  
Brian McGovern, Esq.  
Cadwalader, Wickersham & Taft LLP  
One World Financial Center  
New York, New York 10281  
Telephone: 212-504-6000

(KNF)

<p><b>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</b></p>	
<p><b>JOHN E. ANDRUS MEMORIAL, INC. (d/b/a ANDRUS ON HUDSON),</b></p>	<p><b><i>Plaintiff,</i></b></p>
<p><b><i>-against-</i></b></p>	<p><b><i>Defendants.</i></b></p>
<p><b>RICHARD F. DAINES, as Commissioner of the New York State Department of Health,</b></p>	
<p><b>NOTICE OF MOTION FOR SUMMARY JUDGMENT</b></p>	
<p><b>ANDREW M. CUOMO</b> Attorney General of the State of New York <b>ATTORNEY FOR DEFENDANT</b> Office and Post Office Address  120 Broadway, 24th Floor New York, New York 10271 (212)-416-8570  <i>Personal service of a copy of the within</i> _____ <i>is admitted this</i> _____ day of _____ 2007.</p>	